

Last Revised 8/1/15

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

IN RE:

Rubin, Sheryl A.

Debtor(s)

Case No. 3:16-bk-26356

Judge Kathryn C. Ferguson

Chapter 13

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original

☒ Modified/Notice Required

☒ Discharge Sought

☐ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: April 5, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

- a. The debtor shall pay \$ 220.00 per month to the Chapter 13 Trustee, starting on \_\_\_\_\_ for approximately 36 months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:  
☒ Future Earnings  
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:  
☐ Sale of real property  
Description:  
Proposed date for completion: \_\_\_\_\_  
☐ Refinance of real property  
Description:  
Proposed date for completion: \_\_\_\_\_  
☒ Loan modification with respect to mortgage encumbering property  
Description: **PNC Bank Mortgage Services**  
Proposed date for completion: 7/8/17
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ **None** to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ **900.00** to be paid directly by the debtor(s) outside the Plan, pre-confirmation to **PNC Bank Mortgage Services** (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
<b>Simon, Monahan &amp; Simon</b>	<b>Attorney fee</b>	<b>600.00</b>

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
<b>PNC Bank</b>	<b>2nd Mortgage on Residence</b>	<b>\$2,500.00</b>	<b>3.00%</b>	<b>\$2,500.00</b>	<b>\$152.00</b>

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
<b>None</b>							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
<b>None</b>			

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:  
**Hyundai Finance**

**e. Secured Claims to Be Paid in Full Through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

\_\_\_ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*  
 \_\_\_ Not less than \_\_\_\_\_ percent  
☒ *Pro Rata* distribution from any remaining funds

**b. Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
Hyundai Finance	2014 Hyundai Sonata Lease	Assume Lease

**Part 7: Motions**

**NOTE:** All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

**b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4

above:

Creditor	Collateral	Amount of Lien to be Reclassified
None		

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None			

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-petition claims** The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: 8/25/16

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified.
To treat payment of 1st Mortgage and 2nd Mortgages separately.	Modification of 1st Mortgage loan and cure arrears of 2nd Mortgage loan through plan payments

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: April 5, 2017

/s/ Thomas M. Monahan

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: April 5, 2017

/s/ Sheryl A. Rubin

Debtor

Joint Debtor

**Certificate of Notice Page 6 of 6**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Sheryl A. Rubin  
 Debtor

Case No. 16-26356-KCF  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 1  
 Total Noticed: 15

Date Rcvd: May 17, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 19, 2017.

db Sheryl A. Rubin, 6022 Cedar Ct, Monmouth Junction, NJ 08852-2135  
 516497595 Capital One NA, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
 516358444 Comenity Bank / Victorias Secret, PO Box 182789, Columbus, OH 43218-2789  
 516358445 DSNB / MACYS, PO Box 8218, Mason, OH 45040-8218  
 516358447 KML Law Group, P.C., 216 Haddon Ave Ste 406, Westmont, NJ 08108-2812  
 516358448 Laboratory Corporation Of America, P.O. Box 2240, Burlington, NC 27216-2240  
 516358449 PNC Bank Mortgage Service, PO Box 8703, Dayton, OH 45401-8703  
 516358450 PNC Bank, N.A., PO Box 3180, Pittsburgh, PA 15230-3180  
 516589777 +PNC Mortgage, a division of PNC Bank, NA, Attn: Bankruptcy, 3232 Newmark Drive, Miamisburg, OH 45342-5421

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

E-mail/Text: usanj.njbankr@usdoj.gov May 17 2017 22:20:43 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov May 17 2017 22:20:41 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235  
 516358443 E-mail/Text: bnckohlsnotices@becket-lee.com May 17 2017 22:20:02 Capital One / Kohls, PO Box 3115, Milwaukee, WI 53201-3115  
 516358446 E-mail/Text: Hcabankruptcy-courtntices@hcamerica.com May 17 2017 22:21:27 Hyundai Finance, PO Box 20835, Fountain Valley, CA 92728-0835  
 516366408 +E-mail/Text: Hcabankruptcy-courtntices@hcamerica.com May 17 2017 22:21:27 Hyundai Lease Titling Trust, PO Box 20809, Fountain Valley, CA 92728-0809  
 516475891 E-mail/Text: bnc-quantum@quantum3group.com May 17 2017 22:20:33 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
 TOTAL: 6

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516584185\* +Hyundai Lease Titling Trust, PO Box 20809, Fountain Valley, CA 92728-0809

TOTALS: 0, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 19, 2017

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 16, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com  
 Albert Russo docs@russotrustee.com  
 Denise E. Carlon on behalf of Creditor PNC MORTGAGE, A DIVISION OF PNC BANK, NATIONAL ASSOCIATION dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
 Jordan Seth Blask on behalf of Creditor PNC Bank, National Association jblask@tuckerlaw.com, agilbert@tuckerlaw.com;tbaldridge@tuckerlaw.com  
 Thomas M. Monahan on behalf of Debtor Sheryl A. Rubin simonmonahan216@gmail.com, tommon1@aol.com

TOTAL: 5